

House Study Bill 650

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON ELGIN)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act to limit the period of effectiveness for an administrative
2 rule adopted without a notice of intended action and
3 opportunity for public participation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 6419HC 80
6 jr/sh/8

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1 1 Section 1. Section 17A.4, subsection 2, Code Supplement
1 2 2003, is amended to read as follows:
1 3 2. When an agency for good cause finds that notice and
1 4 public participation would be unnecessary, impracticable, or
1 5 contrary to the public interest, the provisions of subsection
1 6 1 shall be inapplicable. The agency shall incorporate in each
1 7 rule issued in reliance upon this provision either the finding
1 8 and a brief statement of the reasons for the finding, or a
1 9 statement that the rule is within a very narrowly tailored
1 10 category of rules whose issuance has previously been exempted
1 11 from subsection 1 by a special rule relying on this provision
1 12 and including such a finding and statement of reasons for the
1 13 entire category. ~~If the administrative rules review committee~~
~~1 14 by a two-thirds vote, the governor, or the attorney general~~
~~1 15 files with the administrative code editor an objection to the~~
~~1 16 adoption of any rule pursuant to this subsection, that rule~~
~~1 17 shall cease to be effective one hundred eighty days after the~~
~~1 18 date the objection was filed. A copy of the objection,~~
~~1 19 properly dated, shall be forwarded to the agency at the time~~
~~1 20 of filing the objection. In any action contesting a rule~~
1 21 adopted pursuant to this subsection, the burden of proof shall
1 22 be on the agency to show that the procedures of subsection 1
1 23 were impracticable, unnecessary, or contrary to the public
1 24 interest and that, if a category of rules was involved, the
1 25 category was very narrowly tailored. A rule adopted pursuant
1 26 to this subsection shall remain in effect for a maximum period
1 27 of time of one hundred eighty days, unless a shorter period of
1 28 time is specified in the rule.

1 29 EXPLANATION

1 30 This bill limits the period of effectiveness for any rule
1 31 adopted without public notice and opportunity for public
1 32 participation to 180 days. The agency would, within that
1 33 period of time, have the opportunity to adopt a replacement
1 34 rule using the notice provisions of Code section 17A.4.

1 35 LSB 6419HC 80

2 1 jr/sh/8